

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-901 JJF
	:	
ILLUMINA, INC.,	:	
	:	
Defendant.	:	

O R D E R

WHEREAS, Plaintiff has filed a Motion For Entry Of Protective Order (D.I. 155) requesting the Court to order that the deposition of Fred R. Kramer, Ph.D. not take place as scheduled on January 9, 2006;

WHEREAS, pursuant to Local Rule 30.1 of this Court and Federal Rules of Civil Procedure 30(b)(1) and 6(a), a party must provide written notice of its intention to take a deposition to every other party not less than five business days before the date of the deposition;

WHEREAS, Defendant did not provide notice of its intention to take the deposition of Fred R. Kramer, Ph.D. on Monday, January 9, 2006, until Wednesday, January 4, 2006, three business days before the date of the deposition;


NOW THEREFORE IT IS HEREBY ORDERED that:

1. Plaintiff's Motion For Entry Of A Protective Order (D.I. 155) is GRANTED;

2. Defendant shall not take the deposition of Fred R. Kramer on Monday, January 9, 2006;

3. The Court will hear further argument on this matter at the discovery dispute hearing scheduled for Thursday, January 12, 2006, unless, before then, the parties have reached agreement on a new date for the deposition.

January 6, 2006  
DATE

  
UNITED STATES DISTRICT JUDGE